



Gp-3731

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application ) PATENT APPLICATION  
)  
Inventors: Barry N. Gardiner )  
Paul T. McDonald )  
Richard D. Phipps )  
)  
SC/Serial No.: 08/781,579 )  
)  
Filed: January 9, 1997 )  
)  
Title: SUTURED STAPLE SURGICAL FASTENERS, )  
INSTRUMENTS AND METHODS FOR )  
MINIMALLY INVASIVE VASCULAR )  
AND ENDOSCOPIC SURGERY )

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on April 28, 1998.

Brian I. Marcus, Reg. No. 34,511

Signature Date: April 28, 1998

(Attorney Signature)

**RESPONSE TRANSMITTAL LETTER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
MAY 11 / 1998  
GROUP 3300

Sir:

Transmitted with this communication in connection with the above-identified application are the following:

- ☒ A Response under 37 C.F.R. §1.111 to the Office Action dated March 30, 1998.
- ☐ A Response under 37 C.F.R. §1.116 to the Office Action dated \_\_\_\_.
- ☐ A Petition for an Extension of Time under 37 C.F.R. §1.136.
- ☐ A Statement pursuant to 37 C.F.R. §1.27 to establish small entity status under 37 C.F.R. §1.9(f).
- ☐ An Information Disclosure Statement pursuant to 37 C.F.R. §1.56.

The fee associated with this communication has been calculated as shown below:

- ☒ No fee is required with this communication.
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established.
- ☐ A fee for extension of time for response under 37 C.F.R. §1.136 filed within \_\_\_ month(s) after the original time for response of \$\_\_\_ is due.
- ☐ A fee of \$240.00 is due for the submission of the accompanying Information Disclosure Statement.
- ☐ A fee for addition of claims under 37 C.F.R. §1.17 is due as follows:

Claims Remaining After Amendment	Highest Previously Paid For	Number Extra	Rate Small Entity/ Other Than Small Entity
Total Claims <u>47</u> - <u>66</u>	=	<u>0</u> * X	\$11.00 \$22.00 = \$-0-
Independent Claims <u>13</u> - <u>18</u>	=	<u>0</u> * X	\$41.00 \$82.00 = \$-0-
First Presentation of Multiple Dependent Claim(s) ___			\$135.00 \$270.00 = \$

\*If the difference is less than zero, enter "0".

Additional Fee = \$ -0-

The total fee required with this communication is \$ -0- and is to be paid as follows:

- ☐ Please charge Deposit Account No. 06-1325 in the amount of \$\_\_\_\_. A duplicate copy of this authorization is enclosed.
- ☐ A check in the amount of \$\_\_\_\_ is enclosed.

- X The Commissioner is hereby authorized to charge underpayment of any fees, including the following fees, associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.
- X Any filing fees under 37 C.F.R. §1.16 for the presentation of additional claims.
- X Any patent application processing fees under 37 C.F.R. §1.17 including any applicable fee for extension of time.

Respectfully submitted,

Date: April 28, 1998

By: 

Brian I. Marcus  
Reg. No. 34,511

FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800